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Secretary for
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California Regional Water Quality Control Board

Los Angeles Region

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Mr. William Crouse
U.S. Navy
Naval Base Coronado
P.O. Box 357040
San Diego, CA 92135-7040

WATER QUALITY CERTIFICATION FOR PROPOSED REPLACEMENT OF SMALL BOAT MOORINGS PROJECT (Corps' Project No. 2004-01234-TCD), WILSON COVE, SAN CLEMENTE ISLAND, LOS ANGELES COUNTY (File No. 04-066)

Dear Mr. Crouse:

Regional Board staff has reviewed your request on behalf of the U.S. Navy (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on April 13, 2004.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

_____[Original Signed by]_____
Jonathan Bishop
Interim Executive Officer

July 9, 2004
Date

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



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ATTACHMENT A

Project Information

File No. **04-066**

1. Applicant: U.S. Navy
Naval Base Coronado
P.O. Box 357040
San Diego, CA 92135-7040

Phone: (619) 532-2268 or (619) 767-7261

Fax: (619) 532-4986
2. Applicant's Agent: William Crouse
3. Project Name: Installation of Replacement Small Boat Moorings
4. Project Location: Wilson Cove, San Clemente Island, Los Angeles County

Longitude: 118° 33' 25"; Latitude: 33° 00' 30"
5. Type of Project: Mooring installation
6. Project Description: *Purpose:* Provide adequate mooring capacity for boats supporting training operations at the San Clemente Island Range Complex (SCIRC).

Description: This project involves the replacement of five small boat moorings that previously existed in the Wilson Cove area of San Clemente Island. The small boat mooring locations are in relatively shallow water with a maximum depth of 90 feet and each mooring will have a holding capacity between 6,000 and 9,000 pounds. These moorings will be used to secure boats (maximum length of 36 feet) using the San Clemente Island Range Complex for Naval Special Warfare (SEALs) insertion/extraction training. In addition, SC6 will be able to accommodate a floating dock during inclement weather.

One mooring (SC6) requiring the holding capacity to accommodate an 850 square foot floating dock during inclement weather will have an embedded anchor system. The Wilson Cove area is mostly

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bedrock with a relatively thin top layer of sand. Because of the higher holding capacity requirement and the limited depth of sand to accommodate a weight anchor, this mooring will be secured by anchoring a 2-1/4 inch chain into the bedrock.

Based on the maximum dimensions of a 30-inch diameter hole and a 40-foot depth, the maximum volume of sediment that will be removed is approximately 7.30 cubic yards.

The remaining four small boat moorings (SCBS1, SCBS2, SCBS3, AND SCBS4), will use a weight anchor system. The 9,000-pound deadweight anchors will be placed on the ocean bottom with a 2-1/4 inch chain connecting the anchors to the mooring buoy.

The small boat moorings will be positioned in areas with sandy bottom and will avoid any special aquatic habitat such as eelgrass or kelp. The proposed location will be visually surveyed prior to installation to verify the area is free of aquatic habitat.

- | | |
|--|---|
| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
Permit No. 2004-01234-TCD |
| 8. Other Required Regulatory Approvals: | California Coastal Commission
Negative Determination |
| 9. California Environmental Quality Act (CEQA) Compliance: | Pursuant to Section 102 (2)(c) of the National Environmental Policy Act, the Department of the Navy performed an Environmental Assessment (EA), and an Environmental Impact Statement is not required for the proposed project. The Department of the Navy has determined that implementation of the proposed action will not have a significant effect on the environment. |
| 10. Receiving Water: | Pacific Ocean, San Clemente Island (Hydrologic Unit No. 406.50) |
| 11. Designated Beneficial Uses: | REC-1, REC-2, WILD, RARE |

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12. Impacted Waters of the United States: Ocean: 0.014 temporary acres
13. Dredge Volume: Maximum of 7.30 cubic yards
14. Related Projects Implemented/to be Implemented by the Applicant:
- The Navy proposes to enhance the capabilities of the San Clemente Island Range Complex (SCIRC) to meet current and anticipated fleet training and readiness needs, and to support research, development, test, and evaluation (RDT&E) activities. Among the evolving needs that precipitated the proposed action are those for more training in littoral (nearshore) warfare including shallow water operations; mine counter measures; electronic warfare; missile firing; shore bombardment; amphibious operations and naval Special Warfare. Increased needs for test and evaluation activities is also anticipated.
- The proposed action would enhance the capabilities of the SCIRC by:
- 1) Instrumenting an existing shallow water range. The Navy proposed to extend the underwater tracking capability of its current deep-water range into shallow water areas to provide instrumented training in littoral, coastal regions;
 - 2) Increasing the number of personnel participating and expand the scope of amphibious operations to include up to two battalion-size landings (up to 1,500 marines plus equipment each) annually;
 - 3) Defining land Training Areas and Ranges (TARs). The Navy proposes to improve and enhance 18 existing land TARs to support essential pre-deployment Naval Special Warfare Command training.
 - 4) Increase the frequency/intensity of training activities currently conducted at SCIRC.
 - 5) Determining the optimum configuration of land uses on San Clemente Island.
 - 6) Developing procedures for addressing endangered species, natural resources, and cultural resources that meet statutory obligations in a way that minimizes limitations on the operational use of SCIRC.

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The Navy is in the process of preparing a programmatic EIS/OEIS to evaluate the environmental effects of the proposed training and RDT&E activities within SCIRC.

NOTS Pier Replacement at San Clemente Island, California

This Fiscal Year 2004 project includes demolition of a 10,560 square foot existing, inadequate, and unsafe pier; and construction of a 10,675 square foot pier capable of supporting boat mooring. The proposed project would not result in an increase in personnel and would not involve relocation of military personnel. The associated Environmental Assessment concludes that implementation of the project would not result in significant immitigable impacts to any environmental resource area.

San Clement Island Ridge Road

This Fiscal Year 2004 project involves paving the San Clement Island Ridge Road from existing paved northern portion of the road to the gate at the Shore Bombardment Area (SHOBA) As part of this project, the existing tracked-vehicle maneuver road or tank trail will also be extended to the SHOBA gate. An Environmental Assessment is currently being prepared and the project any result in potential less than significant impacts to biological and cultural resources.

15. Avoidance/ Minimization Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- ♣ Pre-construction surveys shall be performed for *Caulerpa taxifolia* (“*Caulerpa*”) within the project area in accordance with the Caulerpa Control Protocol;
- ♣ The project area will be surveyed prior to installation, in order to verify the area is free of any aquatic habitat; and
- ♣ A Spill Contingency Plan will be implemented in the event of a spill of any hazardous materials.

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16. Required
Compensatory
Mitigation:

In coordination with NOAA Fisheries, the Navy will implement a pre- and post-construction survey for surfgrass, eelgrass and rocky habitat. Surfgrass, eelgrass or rocky habitat lost due to project impacts will be mitigated at a ratio of 1:1.

It is not anticipated that the project activity will have a negative impact on waters of the United States. During the construction, all possible BMPs will be utilized in order to minimize impacts to waters. The impacts associated with this project are minimal and temporary in nature. Therefore, compensatory mitigation will not be required by the Regional Board to offset the impacts associated with this project.

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

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Conditions of Certification File No. 04-066

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.

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4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State.
5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designation beneficial uses.
7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
8. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
9. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1st /May 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project/construction/clearing activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
 - (a) Color aerial and representative cross-section photo documentation of the pre- and post-project conditions within each channel reach organized in an easy to interpret format; OR Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;

Conditions of Certification
File No. 04-066

- "I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(Signature)
(Title)"

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Conditions of Certification File No. 04-066

12. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **04-066**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
13. Any modifications of the proposed project may require submittal of a new Clear Water Act Section 401 Water Quality Certification application and appropriate filing fee.
14. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ.
15. The Applicant or the agents shall report any noncompliance, which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and step taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
16. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

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- (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
17. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested